In New York the consideration for a guaranty must appear in the writing. *Sears* v. *Brink,* 3 Johns. 210; *Kerr* v. *Shaw,* 13 Johns. 236. The remarkable thing about this decision is that the court should adjudge the consideration, which they find expressed, sufficient to support the promise to answer for future accounts and insufficient to support the promise to guaranty the past accounts. The court relies on two cases, *Pfeiffer* v. *Adler,* 37 N. Y. 164, and *Belknap* v. *Bender,* 75 N. Y. 446. In the first of these cases a widow, in consideration of plaintiff's promise to sell goods to her, had orally agreed to pay her deceased husband's debts. She was at the time in good credit and on this ground the court holds the consideration insufficient to take the contract out from the Statute of Frauds. Whether this decision be sound or not it is hardly on all fours with the facts in the principal case, for in the former the future advances were to the guarantor, who was in good credit while in the latter they were to the principal debtor whose credit was presumably shaky, and furthermore, in the former case the promise was oral. *Belknap* v. *Bender,* supra, on the authority of *Pfeiffer* v. *Adler,* holds that where the defendant had taken over a certain milling business under an agreement to apply the proceeds thereof to the debts of its former proprietors, and had subsequently orally promised plaintiff that if he (plaintiff) would continue to work for him (at a full compensation) he would pay him $1,000 on the old account, the consideration was insufficient. Here, too, the promise was oral, and the future services to be rendered the guarantor. It is well settled that future advances to the principal debtor are ordinarily sufficient consideration for the guaranty of both past and future indebtedness. 9 AM. AND ENG. ENC. LAW, p. 70; *Hargroves* v. *Cooke,* 15 Ga. 321; *Roberts* v. *Griswold,* 35 Vt. 496. It would seem that the reasoning of the court in the principal case would avoid the whole contract. The holding, as we see it, is that the consideration was no consideration as far as past accounts is concerned. The same reasoning would make it no consideration for future advances.

INTOXICATING LIQUORS—RIGHT TO WITHDRAW NAMES FROM LOCAL OPTION PETITION.—Act 183, Public Acts of Michigan of 1899, provides that when one-third of the qualified electors of any county petition the supervisors of that county, praying that there be submitted to popular vote the question as to whether or not the manufacture and sale of intoxicating liquors should be prohibited within the county, and when upon examination, it shall appear to the said board of supervisors, upon the face of such petition, that it is in fact signed by the requisite number of voters, then it shall become the duty of the supervisors to submit the question to the electors of the county as prayed. Such a petition was duly filed with the clerk of Washtenaw County, but before final action upon it had been taken by the board of supervisors, over five hundred of the petitioners attempted to withdraw their names. The withdrawal of these signatures would not have left the requisite number of names upon the petition. The supervisors, however, refused to allow any names to be withdrawn after the filing of the petition and the relators bring this suit to compel them by mandamus to do so. *Held,* that no petitioners can withdraw their names after the petition has been filed with the county clerk.

Fischer et al. v. *Board of Supervisors of Washtenaw County,* (1909), —, Mich. —, 120 N. W. 13, 16 Detroit Leg. News 1.

In view of the present wide spread liquor agitation and the large number of local option petitions that are being circulated throughout the country this decision is of specical interest. The holding may have been influenced by the fact that the Michigan local option statute, in contradistinction to those of most of the other states, provides only that the petition need be sufficient upon its face, and by the further fact that in Michigan the finding of the board of supervisors as to the sufficiency of the petition is final. *Attorney General* v. *Van Buren Circuit Judge,* 143 Mich. 366. This latter proposition is rejected in other jurisdictions. *Ferguson* v. *Monroe County,* 71 Miss. 524, 14 So. 81; *Miller* v. *Jones,* 80 Ala. 89. The main question in the case, however, is as to the right of the supervisors to allow names to be removed from a petition after it is filed, but before it is acted upon; and here we find a direct conflict of authority. In an Illinois case involving a petition for a new township it is said, "Each petitioner acts upon his individual responsibility, and if he should change his mind * * * or if he should be induced to sign it under a misapprehension or through undue influence, he ought to have the right to correct his mistake, if he does so before the rights of others have attached by the final action of the board." *Little* v. *Supervisors,* 198 Ill. 205. A majority of the courts appear to follow this doctrine. *La Londe* v. *Board of Supervisors,* 80 Wis. 380. However, the cases that uphold this view of the law are most of them in some way distinguishable from the principal case by virtue of some difference in the wording or object of the statute construed. On the other hand there is a line of decisions holding with the principal case that the board of supervisors acquires jurisdiction immediately upon the filing of the petition and that thereafter no names may be withdrawn except for fraud or other good cause. *Sim* v. *Rosholt,* 16 N. D. 77, 112 N. W. 50, 11 L. R. A. (N. S.) 372, (where will be found an exhaustive note); *Bordwell* v. *Dills,* 70 Ark. 175. In the latter case the court says, "In the absence of something in the statute permitting it, neither the individual signer, nor indeed all the signers, could thereafter withdraw their names from the petitions without leave of the court. And the court should not grant without good cause shown therefore. He who voluntarily sets on foot a proceeding for the enforcement of a statutory police regulation in any community should not be permitted to capriciously undo his work. He should not be permitted to play fast and loose with the interests of society."

INTOXICATING LIQUORS—SALE OF MALT TONIC.—Defendant was prosecuted for the violation of a statute which prohibited the sale of "malt, spirituous, and vinous liquors, or any intoxicating drinks," without a license. He had sold a certain malt tonic containing a small percentage of alcohol. Evidence was introduced tending to prove that this liquor was not intoxicating. *Held,* that the trial court erred in submitting to the jury the question of the intoxicating properties of the liquor, since the statute prohibited the sale of all malt liquors, whether intoxicating or not. *Luther* v. *State,* (1909), — Neb. —, 120 N. W. 125.